

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY BUSH,

Plaintiff,

-against-

NEW YORK CITY, ET AL.,

Defendants.

23-CV-5386 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff was incarcerated at the Anna M. Kross Center (“AMKC”) on Rikers Island, in the custody of the New York City Department of Correction (“DOC”), when he filed this action. By order dated July 27, 2023, the Court granted Plaintiff 60 days’ leave to file an amended complaint. On August 21, 2023, the order was returned to the court with a notation indicating that Plaintiff was no longer held at that facility.¹ As of the date of this order, Plaintiff has not provided the court with an updated address or initiated any further contact with the court, written or otherwise.

It is Plaintiff’s obligation to provide an address for service, and this action cannot proceed if the court and the defendants are unable to serve him with documents. The Court therefore directs Plaintiff, within 30 days of the date of this order, to notify the court in writing of his current address. Plaintiff has the option of consenting to receive electronic service of documents by email. A form for Plaintiff to complete and return to the court within 30 days if he wishes to consent to electronic service of documents by email is attached to this order.

¹ According to the DOC website’s “inmate lookup service,” <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf> (last visited August 30, 2023), Plaintiff was released to parole on August 16, 2023.

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss Plaintiff's complaint without prejudice to his refiling it.² *See, e.g., Toussaint v. Maryland Dep't of Transp.*, No. 23-CV-0271 (D. Md. Mar. 21, 2023) (dismissing action without prejudice following Plaintiff's failure to update the court with his new address).

CONCLUSION

Plaintiff is directed to notify the court in writing, within 30 days of his current mailing address. Plaintiff may also complete the attached consent to electronic service form and return it to the court. Plaintiff's response must be submitted to the Pro Se Intake Unit of this court, and his submission should be labeled with the docket number 23-CV-5386 (LTS).

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss Plaintiff's complaint without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 31, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

² Because Plaintiff has not updated his address, he likely will not receive this order by mail. If Plaintiff remains interested in litigating this case, it is his responsibility to confirm the status of this case, which he can do by calling the Clerk's Office or visiting in person.



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court’s actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.

PRO SE INTAKE WINDOW LOCATIONS:

40 FOLEY SQUARE | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

MAILING ADDRESS:

500 PEARL STREET | NEW YORK, NY 10007
PRO SE INTAKE UNIT: 212-805-0136

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature